

810-8-1-.01 Criteria for Governing Bodies of Counties and Incorporated Municipalities to Receive Refund of Motor Fuel Excise Taxes.

(1) According to the provisions of Section 40-17-329, Code of Alabama 1975, governing bodies of counties and incorporated municipalities are entitled to a refund of the motor fuel excise taxes under the following conditions:

(a) A licensed governing body of the county or incorporated municipality has the right to apply for a refund on a quarterly basis for the motor fuel excise tax paid to the vendor.

(b) If a licensed incorporated municipality or county governing body purchases motor fuel from a licensed distributor, the licensed distributor has the right to apply for a refund on a monthly basis for the taxes paid by the licensed distributor for motor fuel sold to the licensed exempt agency.

(c) A credit card issuer may apply on a quarterly basis for a refund of the motor fuel excise taxes on sales of taxable motor fuel to a licensed exempt entity if the sale occurs at a retail pump available to the general public and the sale is charged to a credit card issued to the licensed exempt entity.

(2) In order to qualify as a governing body of the county or incorporated municipality, the governing body of the county or incorporated municipality must meet the following requirements:

(a) The governing body of a county or incorporated municipality is that body of the county or incorporated municipality which performs the legislative function and has the ultimate power to determine the policies of the county or incorporated municipality and control the activities of the county or incorporated municipality.

(b) Governing bodies of counties and incorporated municipalities include county commissions and city councils or city commissions or town councils.

(c) Purchases of motor fuel by a governing body of a county or incorporated municipality must be supported by an invoice or other documentation specifically billed to that governing body. It is further required that payments be made directly by the governing body. Any unsubstantiated purchases may result in a refund reduction if payment for the motor fuel is not made from an account controlled solely by the governing body of the county or incorporated municipality.

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Authority: Sections 40-2A-7(a)(5), 40-17-323, and 40-17-329 Code of Alabama 1975

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